

REMARKS

In an official action dated February 16, 2011, the Examiner rejected claims 11-20 under §112 and rejected claims 1-20 under §103 as obvious over Parks 1,774,662 in view of Jokela 5,456,581 and Salter 5,259,738. Applicant requests that the Examiner reconsider the rejections.

§112 Rejection

Regarding the §112 rejection of claims 11-20, the Examiner contended that the language of claim 11 seemed to imply that the fluid controller could simultaneously provide communication between all of the working chambers and one of the two manifolds. The Examiner contended that such operation would render control of the output flow impossible. Accordingly, the claims have been amended to recite that the fluid controller controls the fluid path between successive working chambers rather than the possibility that the fluid controller provides simultaneous communication. Accordingly, Applicant requests that the Examiner reconsider the rejection of claims 11-20 under §112.

Regarding the Examiner's objection to Fig. 2 and the amendment to the specification, the Examiner seems to object to a specific number of working chambers being specified in Fig. 2 and the specification. It appears the Examiner recognizes that the application discloses a plurality of working chambers 4 connected to the commutator 2 and controlled by a controller 6 with a valve between each working chamber and the

commutator. However, the Examiner appears to object to a particular number of working chambers. Accordingly, the specification and Fig. 2 have been amended to show that the system includes a plurality of "n" working chambers 4a-4n connected with the commutator 2 and "n" valves 1a-1n between the working chambers and the commutator, each of which is controlled by controller 6. Applicant requests that the Examiner favorably consider and enter the amendments to paragraph [0009] and Fig. 2.

§103 Rejection

As amended, claims 1 and 11 recites a machine in which a plurality of working chambers are all connected to one and the same commutator valve. See paragraph 0001 of the present application, which states that the invention is applicable to a working machine in which a rotating port plate (i.e. a commutator valve) alternately connects high and then low pressure manifolds to each working chamber. Similarly, claim 11 recites a fluid controller connected to a plurality of working chambers.

In rejecting claim 11, in paragraph 22 of the Official Action, the Examiner states: "Parks teaches that the fluid controller (55) alternately connects each working chamber (11, 12) with one at a time of the two manifolds." This is not correct. Parks clearly discloses two fluid controllers/commutator valves, one for each working chamber. See column 2, lines 63 to 65 of Parks. Commutator valve 55 communicates with cylinder 11 while commutator valve 56 communicates with cylinder 12. In fact, this configuration is

actually recited in claim 1 of Parks: "...a common intake and exhaust port for each of said cylinders, a rotating valve for each port...".

In contrast, the Applicant's plurality of working chambers are all connected to a single commutator valve. This is more efficient than the arrangement of Parks. Multiple commutator machines, such as that of Parks, require additional geartrain and complex oil galleries. A single commutator machine, as now claimed, is in no way described or suggested by Parks, and since neither Jokela and Salter have commutating valves at all they obviously don't meet the shortcoming in the teaching of Parks..

In light of the foregoing, Applicants request that the Examiner reconsider the rejection of claims 1-20.

Applicant believes that the application is in form for allowance. If the Examiner believes that any issues remain regarding the allowability of the application, the Examiner is encouraged to contact Applicant's undersigned attorney by telephone to resolve the remaining issues.

Respectfully submitted,

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